



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/788,715

02/27/2004

Jayasri Gunaratnam

0108-0255/2

6776

33787 7590 09/03/2009
JOHN J. OSKOREP, ESQ. LLC
ONE MAGNIFICENT MILE CENTER
980 N. MICHIGAN AVE.
SUITE 1400
CHICAGO, IL 60611

EXAMINER

VUONG, QUOCHIEU B

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@securepatents.com

Office Action Summary	Application No. 10/788,715	Applicant(s) GUNARATNAM ET AL.	
	Examiner Quochien B. Vuong	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34,36-38 and 40-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-32 and 44-49 is/are allowed.
- 6) ☒ Claim(s) 1-17,33,34,36-38,40-43 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 04/22/2009 have been fully considered but they are not persuasive.

Regarding claims 1, 7, 13 and 50, Applicant argues that Bridges et al. fail to teach a Home Public Land Mobile Network (HPLMN) that is prioritized for selection in response to regaining signal coverage or powering on as claimed. The examiner, however, does not agree with the Applicant. Claims 1, 7, 13 and 50 are rejected under 35 USC § 103 as being obvious over the AAPA in view of Bridges et al. The AAPA already disclose the PLMN identifiable by MCC/MNC pair and HPLMN (see page 2, lines 5-10). And Bridges et al. disclose a home network identifiable by a SID, SOC, or equivalent system identification number of the cellular service provider, is prioritized for selection in response to regaining signal coverage or powering (column 12, lines 37-52). Therefore, the combination of AAPA and Bridges et al. reads on the claimed limitation.

Applicant's arguments, see Applicant's remarks, pages 24-26, filed 04/22/2009, with respect to claims 18-32 and 44-49 have been fully considered and are persuasive. The previous rejection of claims 18-32 and 44-49 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17, 33, 34, 36-38, 40-43 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Bridges et al. (US 7,096,015).

Regarding claim 1, Applicant's Admitted Prior Art (hereinafter AAPA) discloses in the specification (page 2, line 5 – page 3, line 6) a network selection method for a mobile station which is associated with a Home Public Land Mobile Network (HPLMN) identified by a home Mobile Network Code (MNC) and Mobile Country Code (MCC) pair, the method comprising: identifying a plurality of Public Land Mobile Networks (PLMNs) in a coverage area within which the mobile station is operating (page 2, lines 5-7); selecting and operating with a non-home PLMN identified by a non-home MNC/MCC pair and designated as a Registered PLMN (RPLMN) (page 2, lines 10-14); in response to regaining signal coverage from an out-of-coverage condition with the RPLMN, or in response to being powered-on from a power-off state entered while

Art Unit: 2618

operating with the RPLMN, performing the following acts of: if the RPLMN is identified as being available: selecting and operating with the RPLMN; and otherwise, if the RPLMN is unavailable and a HPLMN of the mobile station is identified as being available: selecting and operating with the HPLMN; otherwise selecting and operating with an alternate PLMN in accordance with an automatic or manual network selection method (page 2, line 26-32). The difference between the AAPA and the claimed invention is that the AAPA in response to regaining signal coverage from an out-of-coverage condition with the RPLMN, or in response to being powered-on from a power-off state entered while operating with the RPLMN, the mobile station select the RPLMN as a first priority instead of the HPLMN as in the claim. However, Bridges et al. disclose in response to regaining signal coverage from an out-of-coverage condition with the non-home communication network, or in response to being powered-on from a power-off state entered while operating with the non-home communication network, the mobile station performs selecting and operating with the home communication network as a first priority if a home communication network of the mobile station is identified as being available (column 12, lines 25-67). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Bridges et al. for selecting the HPLMN as a first priority to the network selection method of the AAPA in order to save cost to the user.

Regarding claim 2, the AAPA discloses wherein the act of selecting and operating with the alternative PLMN is performed with use of a Preferred PLMN (PPLMN) (page 2, lines 10-16).

Regarding claim 3, the AAPA discloses wherein the PLMNs are operative in accordance with 3rd Generation Partnership Project (3GPP) standards (page 1, lines 26-32).

Regarding claim 4, the AAPA discloses wherein the act of selecting and operating with the alternate PLMN is performed with use of a prioritized network list of alternate PLMNs (page 2, lines 10-14).

Regarding claim 5, the AAPA discloses wherein the act of identifying comprises the further act of receiving a Mobile Country Code (MCC) and Mobile Network Code (MNC) pair for each PLMN available in the coverage area (page 2, lines 7-8).

Regarding claim 6, the AAPA discloses wherein the PLMNs are operative in accordance with Global Systems for Mobile Communications (GSM) (page 1, lines 27-28).

Regarding claim 7, the AAPA (page 2, line 5 – page 3, line 6) discloses a mobile station, comprising: a wireless transceiver; an antenna coupled to the wireless transceiver; an interface adapted to receive a subscriber identity module for access to a home Mobile Network Core (MNC) and Mobile Country Code(MCC) pair corresponding to a Home Public Land Mobile Network (HPLMN) of the mobile station, and a prioritized PLMN list of alternate non-home PLMNs; one or more processors coupled to the wireless transceiver and the interface; the one or more processors being configured to select a PLMN with which to operate communicate by: identifying a plurality of PLMNs in a coverage area within which the mobile station is operating (page 2, lines 5-7); selecting and operating with a non-home PLMN identified by a non-home MNC/MCC

Art Unit: 2618

pair and designated as a Registered PLMN (RPLMN) (page 2, lines 10-14); in response to regaining signal coverage from an out-of-coverage condition with the non-home RPLMN, or in response to being powered-on from a power-off state entered while operating with the non-home RPLMN, performing the following acts of: if the non-home RPLMN is identified as being available: selecting and operating with the non-home RPLMN; and otherwise, if the non-home RPLMN is unavailable and a HPLMN of the mobile station is identified as being available: selecting and operating with the HPLMN; otherwise selecting and operating with an alternate PLMN in accordance with an automatic or manual network selection method (page 2, line 26-32). The difference between the AAPA and the claimed invention is that the AAPA in response to regaining signal coverage from an out-of-coverage condition with the non-home PLMN, or in response to being powered-on from a power-off state entered while operating with the non-home PLMN, the mobile station select the non-home RPLMN as a first priority instead of the HPLMN as in the claim. However, Bridges et al. disclose in response to regaining signal coverage from an out-of-coverage condition with the non-home communication network, or in response to being powered-on from a power-off state entered while operating with the non-home communication network, the mobile station performs selecting and operating with the home communication network as a first priority if a home communication network of the mobile station is identified as being available (column 12, lines 25-67). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching

of Bridges et al. for selecting the HPLMN as a first priority to the mobile station of the AAPA in order to save cost to the user.

Regarding claim 8, the AAPA discloses wherein the act of selecting and operating with the alternative PLMN is performed with use of a Preferred PLMN (PPLMN) (page 2, lines 10-16).

Regarding claim 9, the AAPA discloses wherein the PLMNs are operative in accordance with 3rd Generation Partnership Project (3GPP) standards (page 1, lines 26-32).

Regarding claim 10, the AAPA discloses wherein the act of selecting and operating with the alternate PLMN is performed with use of a prioritized network list of alternate PLMNs (page 2, lines 10-14).

Regarding claim 11, the AAPA discloses wherein the act of identifying comprises the further act of receiving a Mobile Country Code (MCC) and Mobile Network Code (MNC) pair for each PLMN available in the coverage area (page 2, lines 7-8).

Regarding claim 12, the AAPA discloses wherein the PLMNs are operative in accordance with Global Systems for Mobile Communications (GSM) (page 1, lines 27-28).

Regarding claim 13, the AAPA (page 2, line 5 – page 3, line 6) discloses a communication system, comprising: a first Public Land Mobile Network (PLMN); a second PLMN; one or more mobile stations which are operable with the first and the second PLMNs; the one or more mobile stations having the second PLMN designated as a Home PLMN (HPLMN), the HPLMN being identifiable by a home Mobile Network

Art Unit: 2618

Code (MNC) and Mobile Country Code (MCC) pair; each mobile station being operative to select a PLMN with which to communicate by: identifying a plurality of PLMNs in a coverage area within which the mobile station is operating (page 2, lines 5-7); selecting and operating with the first PLMN identifiable by a non-home PLMN (page 2, lines 10-14); in response to regaining signal coverage from an out-of-coverage condition with the RPLMN, or in response to being powered-on from a power-off state entered while operating with the RPLMN, performing the following acts of: if the RPLMN is identified as being available: selecting and operating with the RPLMN; and otherwise, if the RPLMN is unavailable and a HPLMN of the mobile station is identified as being available: selecting and operating with the HPLMN; otherwise selecting and operating with an alternate PLMN in accordance with an automatic or manual network selection method (page 2, line 26-32). The difference between the AAPA and the claimed invention is that the AAPA in response to regaining signal coverage from an out-of-coverage condition with the RPLMN, or in response to being powered-on from a power-off state entered while operating with the RPLMN, the mobile station select the RPLMN as a first priority instead of the HPLMN as in the claim. However, Bridges et al. disclose in response to regaining signal coverage from an out-of-coverage condition with the non-home communication network, or in response to being powered-on from a power-off state entered while operating with the non-home communication network, the mobile station performs selecting and operating with the home communication network as a first priority if a home communication network of the mobile station is identified as being available (column 12, lines 25-67). Therefore, it would have been obvious for one

Art Unit: 2618

having ordinary skill in the art at the time the invention was made to adapt the teaching of Bridges et al. for selecting the HPLMN as a first priority to the network selection method of the AAPA in order to save cost to the user.

Regarding claim 14, the AAPA discloses wherein the act of selecting and operating with the alternative PLMN is performed with use of a Preferred PLMN (PPLMN) (page 2, lines 10-16).

Regarding claim 15, the AAPA discloses wherein the PLMNs are operative in accordance with 3rd Generation Partnership Project (3GPP) standards (page 1, lines 26-32).

Regarding claim 16, the AAPA discloses wherein the act of selecting and operating with the alternate PLMN is performed with use of a prioritized network list of alternate PLMNs (page 2, lines 10-14).

Regarding claim 17, the AAPA discloses wherein the PLMNs are operative in accordance with Global Systems for Mobile Communications (GSM) (page 1, lines 27-28).

Regarding claim 33, the AAPA discloses wherein the performing of the acts are caused in response to regaining the signal coverage from the out-of-coverage condition with the RPLMN (page 2, lines 24-26).

Regarding claim 34, Bridges et al. disclose wherein the performing of the acts are caused in response to being powered-on from the power-off state entered while operating with the RPLMN (column 12, lines 25-36).

Art Unit: 2618

Regarding claim 36, the AAPA discloses the method of claim 1, which is performed as part of an automatic network selection procedure of the mobile station (page 2, lines 12-18).

Regarding claim 37, the AAPA discloses wherein the performing of the acts are caused in response to regaining the signal coverage from the out-of-coverage condition with the RPLMN (page 2, lines 24-26).

Regarding claim 38, Bridges et al. disclose wherein the performing of the acts are caused in response to being powered-on from the power-off state entered while operating with the RPLMN (column 12, lines 25-36).

Regarding claim 40, the AAPA discloses the method of claim 1, which is performed as part of an automatic network selection procedure of the mobile station (page 2, lines 12-18).

Regarding claim 41, the AAPA discloses wherein the performing of the acts are caused in response to regaining the signal coverage from the out-of-coverage condition with the RPLMN (page 2, lines 24-26).

Regarding claim 42, Bridges et al. disclose wherein the performing of the acts are caused in response to being powered-on from the power-off state entered while operating with the RPLMN (column 12, lines 25-36).

Regarding claim 43, the AAPA discloses the method of claim 1, which is performed as part of an automatic network selection procedure of the mobile station (page 2, lines 12-18).

Regarding claim 50, the AAPA (page 2, line 5- page 3, line 6) discloses a network selection method for use by a mobile station comprising the acts of: identifying, in a coverage area within which the mobile station is operating, one or more Public Land Mobile Networks (PLMNs) which are operative in accordance with Global Systems for Mobile Communications (GSM) (page 1, lines 26-29); selecting and operating with a non-home Registered PLMN (RPLMN) (page 2, lines 10-14); in response to regaining signal coverage from an out-of-coverage condition with the non-home RPLMN communication network, or in response to being powered-on from a power-off state while in the non-home RPLMN, performing the following acts of: if the non-home communication network is identified as being available: selecting and operating with the non-home communication network; and otherwise, if the non-home communication network is unavailable and a home communication network of the mobile station is identified as being available: selecting and operating with the home communication network; otherwise selecting and operating with an alternate communication network in accordance with an automatic or manual network selection method (page 2, line 26-32). The difference between the AAPA and the claimed invention is that the AAPA in response to regaining signal coverage from an out-of-coverage condition with the non-home communication network, or in response to being powered-on from a power-off state entered while operating with the non-home communication network, the mobile station select the non-home communication network as a first priority instead of the home communication network as in the claim. However, Bridges et al. disclose in response to regaining signal coverage from an out-

Art Unit: 2618

of-coverage condition with the non-home communication network, or in response to being powered-on from a power-off state entered while operating with the non-home communication network, the mobile station performs selecting and operating with the home communication network as a first priority if a home communication network of the mobile station is identified as being available (column 12, lines 25-67). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Bridges et al. for selecting the home communication network as a first priority to the network selection method of the AAPA in order to save cost to the user.

Regarding claims 51-53, the AAPA discloses wherein the prioritized network list is a User-Controlled Public Land Mobile Network list or an Operator-Controlled Public Land Mobile Network list (page 2, lines 12-16).

Allowable Subject Matter

Claims 18-32 and 44-49 are allowed over the prior art with the reasons set forth in the Applicant's remarks filed 04/22/2009, pages 24-26.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2618

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/
Primary Examiner, Art Unit 2618